

United States District Court

District of Delaware

ORIGINAL

Robert W. Hassett 3rd.

Petitioner

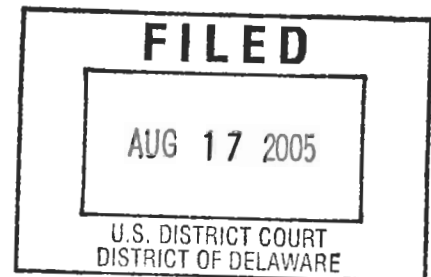
V.

Richard Kearney, Warden

State Prison Delaware,

Respondent

05 - 609



Petitioners Appendix for Brief In Support of Habeas Corpus

Robert W. Hassett 3rd.
Pro se.
S.C.I.
P.O. Box 500
Georgetown, Del. 19947

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I, Jason Coggin, hereby swear that the statement I am giving is the truth. I was not coerced, bribed, or threatened to give this statement.

The statement that I gave as a witness for the prosecution in Robert W. Hassett 3rd's trial was not the truth. Not only was it not the truth, but I was coerced by Jim Adkins, the prosecutor. Jim Adkins told me what to say and what I was not to say. He also gave me information to say at trial. Mr. Adkins also threatened me by saying that if I did not testify to the effects of what he and the police told me to say, then I would go to prison. So, due to my fear of going to prison, I lied on the witness stand and prior to the trial.

Therefore, I believe that Robert W. Hassett 3rd was not given a fair trial. Because I lied on the witness stand, and I was not the only one threatened to give a false testimony on the witness stand. Everything that I testified to regarding May 14, 2000 and the events that took place were lies, given to me by the police and Jim Adkins.

I, Jason Coggin, have given this statement by my own free will, with the understanding of the perjury law. I swear that this statement is the truth.

Signature: Jason Coggin
Print: Jason Coggin

Date Signed: 8-23-02

Witness Signature: Charles Hignutt
Print: CHARLES HIGNUTT

Date Signed: 8-23-02

Charles W. Hignutt
State of Delaware, Notary Public
My Commission Expires 1-16-05

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1 struck as non-responsive.

2 THE COURT: The last comment by this
3 witness is stricken from the record. The jury shall
4 disregard it in its entirety.

5 BY MR. ADKINS:

6 Q The question is not what were you thinking
7 about doing or what were you going to do. I want to
8 know what you saw him do and what happened next.

9 A He stabbed the wall. Then he sat down and
10 started talking to me. We were sitting there
11 chilling. We took another bong hit. Then I'd say
12 it was about a half hour later he called Sherri and
13 he told me he was going to get Sherri to come over
14 there and give him some Xanax for some weed. He was
15 going to give her weed for Xanax, like a trade or
16 something.

17 Then he got up, he went outside. Whenever
18 he went outside, I heard Sherri scream, Willie,
19 Willie. And whatever he did, he come back inside
20 and he went right straight to the bathroom. I was
21 sitting on the couch at the far end. Whenever he
22 come in, I didn't really pay no attention to him.
23 He went right to straight to the bathroom.

1 Q When he went to the bathroom, did you hear
2 anything in the bathroom, any water running,
3 anything?

4 A I heard water, but I didn't think about
5 nothing.

6 Q Then what happened next?

7 A He come into the living room and I was
8 sitting there. He had a knife in his hand and he
9 was like, I did it. I did it. And I was like what
10 are you talking about. He was like I finally killed
11 her. And then he was like now you're going to come
12 out here and help me carry her inside. If not,
13 you'll be down there laying with her.

14 Q Do you know what kind of knife he had in
15 his hand?

16 A Yeah.

17 Q Had you ever seen it before?

18 A Yeah.

19 Q Can you describe it?

20 A Yeah. It's like brass knuckles and has a
21 long sharp blade on it.

22 Q Do you know whose knife that is?

23 A Willie's.

1 Q. That Willie Hassett had killed Sherri, you
2 told them that in your second statement?

3 A. Yeah.

4 Q. Or at least the truthful part of the first
5 statement, right?

6 A. Yeah.

7 Q. Were you scared then?

8 A. Yeah.

9 Q. What made you change your mind in your story?

10 A. Because the cops talked to me.

11 Q. Because the cops talked to you?

12 A. Yeah.

13 Q. Because the cop said we are not sitting here
14 trying to pin anything on you, all we are just trying
15 to do is confirm the statement, do you remember the
16 policeman saying that to you?

17 A. No, I don't. I remember him saying, tell me
18 the truth and everything will be all right.

19 Q. At that point you knew what the truth was
20 that he wanted, didn't you?

21 A. No, I didn't.

22 Q. You knew they wanted you to name Willie
23 Hassett as the murderer, didn't you?

JASON COGGIN - CROSS

1 A. No, I didn't.

2 Q. You knew that was the truth he wanted you to
3 say?

4 A. No, I didn't.

5 Q. That's what you told him, didn't you?

6 A. No, I didn't.

7 Q. You didn't tell him that?

8 A. Yes, I told him that, but it's not what he
9 wanted to hear.

10 Q. It's not what he wanted to hear. On Page 18
11 of your statement: He's not saying you did anything
12 wrong. He is saying that you just confirmed what
13 Willie said and then left. Like you were walking home
14 to grandmom's and then Willie leaves in the car. We
15 are not trying to sit here and pin anything on you,
16 son. What we are trying to do is just confirm the
17 statement. And he is saying that you just confirmed
18 what Willie told him: I just killed my stepmother and
19 he's got a knife in his hand that he ends up throwing
20 down right outside the house; didn't the policeman
21 tell you that?

22 A. I don't know. I don't remember.

23 Q. You don't remember it?

1 dad.

2 Further along in the story, the defendant
3 said he was sitting on the steps. Jason came out with
4 a knife and he sat there and watched his friend stab
5 the stepmother that he loved twenty-six times. Then he
6 goes and helps Jason Coggin pull out the knife that is
7 stuck in her chest.

8 But he was in shock, ladies and gentlemen.
9 But it wasn't the kind of shock where he would forget
10 to get Sherri Hassett's car keys off of her body so he
11 could get to his mom's house. It wasn't the kind of
12 shock that he couldn't take Sherri's car and drive it
13 up to Harrington.

14 It wasn't the kind of shock that would make
15 him want to go to a neighbor and report what his friend
16 had done. It wasn't the kind of shock that made him
17 stop by a police station and just let them know. It
18 wasn't the kind of shock that made him forget to drive
19 back roadways because he didn't have a driver's
20 license.

21 It wasn't the kind of shock that prevented
22 him from thinking to hide the car in the bushes at the
23 hog farm in Harrington out of sight of the road and

1 miles from his mother's house that he was in a hurry to
2 get to.

3 It wasn't the kind of shock that made him
4 forget to change his bloody clothes and leave them in
5 his mom's house, only to tell police later that he
6 threw them away in some kind of trash container near
7 where the car was back on the hog farm. It wasn't the
8 kind of shock that, as the police were taking finger-
9 nail scrapings, he told them, "You are not going to get
10 anything off of me. I never touched her." It wasn't
11 that kind of shock, ladies and gentlemen.

12 Back to "Who?," "What?," "When?," "Where?,"
13 and, "How?" We know the "What?" is the brass-knuckled
14 knife. That did that to Sherri Hassett. The "Where?"
15 was 1163 Brickyard Road, ladies and gentlemen. Right
16 there (indicating). There it goes down (indicating),
17 bloodstain outside of the entrance to the apartment.

18 That is the "Where?," ladies and gentlemen.
19 That is where the defendant made Jason Coggin help drag
20 his stepmother's body into his own apartment. That's
21 where the knife was found right where Sherri Hassett's
22 car was parked.

23 "When?," ladies and gentlemen? It was

G-66

1 Mother's Day last year about 1:00 o'clock in the
2 morning. And "Why?" "Why?" is going to give you
3 "Who?" And "Why?" is motive. Jason Coggin had no dog
4 in the fight at the Hassett residence. There was no
5 motive for Jason Coggin to kill Sherri Hassett. He
6 wasn't getting kicked out of his house. His father
7 hadn't told him, "I am not your dad anymore." He had
8 parents to go home to and a bed to sleep in.

9 Jason Coggin was the dupe. Not a smart guy.
10 And his best friend used him. His best friend used him
11 to help carry Sherri Hassett's body into his house, and
12 his best friend, the defendant, Willie Hassett, did the
13 ultimate reversal. He then put the finger on Jason
14 Coggin.

15 Willie was out. George told him that on the
16 phone. His present life was over. No more partying
17 with his friends at his own house. George made him mad
18 by saying mean things to him on the phone, and Sherri
19 was always bugging the defendant for marijuana. George
20 said on the 911 tape, "She wanted me to call somebody
21 to get her some drugs, and I'm tired of it. She's over
22 there like five times, so I killed her."

23 And to Orville Robinette, not three days

1 is no defense.

2 Manslaughter was the second lesser-included
3 offense that the Judge instructed you on.

4 Manslaughter, under 11 Delaware Code, Section 632,
5 states,

6 "A person is guilty of manslaughter when
7 the person recklessly causes the death of
8 another person."

9 It is the same "recklessly" or "reckless"
10 definition that went with murder in the second degree.
11 Ladies and gentlemen, the defendant did not act
12 recklessly. There were twenty-six wounds -- sixteen
13 deep stab wounds -- in Sherri Hassett's body. That is
14 not reckless. That's intentional.

15 Ladies and gentlemen, the defendant, Robert
16 William Hassett, 3rd, intentionally murdered his
17 stepmother, Sherri Hassett, with a knife. The evidence
18 has shown this beyond any reasonable doubt.

19 Justice demands a verdict of guilty against
20 the defendant for the first-degree murder and the
21 possession of a firearm during the commission of a
22 felony. Ladies and gentlemen, return that verdict.

23 Thank you.

EILEEN G. KIMMEL
OFFICIAL COURT REPORTER

AA

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9

BARNETT - Cross

1 Q But isn't it true that I told you I had
2 issues and I was on medications?

3 A Yeah, you said you were on medication and
4 you had issues.

5 Q For mental issues?

6 A Yeah.

7 Q Okay. Do you have a Ph.D. in psychiatry?

8 A No, I am just a human being.

9 Q Are you able to discern if a person can or
10 cannot properly make choices?

11 A I think as a layman I am entitled to view an
12 opinion of what I see and from what I saw from
13 talking to you, you were perfectly rationale and were
14 quite capable of making your own decisions every time
15 I talked to you.

16 Q So you think I was sane then?

17 A Sure.

18 Q Okay. If you thought that, then why didn't
19 you test the shirt that was given to you by George
20 Hassett being that it was believed to be Jason
21 Coggin's shirt that was worn during the murder?

22 A What shirt are you talking about?

23 Q The shirt that was brought to your office by

BARNETT - Cross

1 George Hassett that was believed to be the actual
2 shirt that Jason Coggin was wearing during the
3 murder. If you believed the defendant was sane, why
4 didn't you test that shirt?

5 A Why didn't I test the shirt?

6 Q Or have any investigation done with it?

7 A I don't recall when that shirt was brought
8 to my office. I believe it was brought to my office
9 following the trial. I don't think I had possession
10 of it during the trial.

11 THE COURT: This is limited to your mental
12 competency, Mr. Hassett.

13 THE DEFENDANT: Well, we go to show that he
14 believed I was mentally sane and had no mental issues
15 going off his statement that I was sane. Jason
16 Coggin was the murderer, and that is the way I wanted
17 to proceed. Then, that would go to help my defense
18 and show that I was mentally stable at the time.

19 I will move on.

20 BY THE DEFENDANT:

21 Q Do you know what the symptoms of
22 schizophrenia are?

23 A No, I don't.

BARNETT - Cross

1 Q So it's safe to say you would not know if
2 someone is mentally ill or suffers from schizophrenia
3 or anything?

4 A I could only base my opinion on the time
5 that I spent with the person. I couldn't base it on
6 any medical evidence of schizophrenia or how that
7 person may react out of my presence. No, I can only
8 comment that when I saw you, you appeared to be sane,
9 rationale, and fine to me. I can't say how you
10 appeared in your cell at night at midnight. No, I
11 can't say that.

12 Q But it would be safe to say if you know that
13 a person may be mentally ill, you would have
14 evaluated them to be sure they could stand trial or
15 even assist in his own defense?

16 A You were quite capable of assisting in your
17 own defense. Based upon the information that I had
18 and your choice of the defense that you chose, no, I
19 saw no reason to have you evaluated for any mental
20 illness, no.

21 Q You see no reason, but I told you I was on
22 medication for mental illness?

23 A Yes. You were on medication. You didn't

BARNETT - Cross

1 tell me it was for mental illness. You didn't tell
2 me mental.

3 Q I remember that that is my words.

4 A If you remember saying it, you did. I am
5 not going to say you didn't, if that is your
6 recollection.

7 Q Do you know what Thorazine is?

8 A It's a medication. I don't know what it's
9 for.

10 Q Well, it's for schizophrenia, hearing voices
11 and so forth, delusions, and hallucinations; did you
12 know that?

13 A I don't know what you are telling me is fact
14 or not.

15 Q It's fact. It came out of the medical
16 dictionary. Did you even know the defendant was on
17 this medication as well Tegretol, Paxil, Vistaril,
18 any of those medications? Did you know that he was
19 on any of those specific medications?

20 A I don't recall.

21 Q Okay. Is it because you didn't look at my
22 mental history, my medical chart, or anything like
23 that?

BARNETT - Cross

1 A Possible.

2 Q So it's possible you didn't look even into
3 none of that issue after I told you I was on
4 medication for mental illness?

5 A Yes.

6 Q Okay. Did you even know that Dr. Weiss was
7 a psychiatrist at SCI?

8 A I knew his name.

9 Q But you didn't know that he diagnosed me?
10 He diagnosed me as schizophrenia, personality
11 disorder?

12 A I don't know what he diagnosed you.

13 Q So you didn't know that he diagnosed me with
14 bipolar, antisocial disorder, schizophrenia,
15 substance abuse, alcohol dependency? You didn't know
16 about none of that, correct?

17 A Not his diagnosis, no.

18 Q Okay. You didn't know that the defendant
19 suffered from hearing voices, hallucinations,
20 schizophrenia, depression, none of those, correct?

21 A No.

22 Q Okay. Now, before the trial, I was off the
23 medication. Do you think that could have made a

WEISS - Direct

1 Q Could you please explain to the Court what
2 the results were of your evaluation?

3 A On May 16th, 2000, I see here I diagnosed
4 him to have several diagnoses, one polysubstance
5 abuse, another alcohol dependance, another
6 schizoeffective disorder, which is manic depression,
7 bipolar, but a person in bipolar, usually during the
8 manic stage with elevated grandiose or depression
9 stage, feeling very depressed, can have psychotic
10 symptoms.

11 Schizoeffective means there may be times
12 when he was relatively not that agitated or depressed
13 but still may have had some auditory hallucinations
14 or paranoia other psychiatric symptoms, stress
15 disorder which would refer to traumatic events which
16 he still had nightmares and flashbacks, but he was
17 also diagnosed to antisocial personality disorder,
18 which would refer to how responsible he was, did he
19 have empathy, and his ability to function in a
20 normally accepted way, and on his medal records he
21 was allergic to cats and dogs and unknown
22 medications, and he was given medication for
23 depression, and I had him on several medications.

CHRISTINE L. QUINN
OFFICIAL COURT REPORTER

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WEISS - Direct

1 Q What medications did you prescribe, and what
2 were they for?

3 A He was on Tegretol, seizure medicine, used
4 as antimanic medicine. Thorazine, which is
5 antipsychotic medicine also antimanic. Benadryl
6 which would be for side effects or sleep and
7 sedation, and Paxil which was antidepressant. Also
8 been, at some point, on Tricyclic antidepressant,
9 some of the old antidepressants.

10 Q And what was the course of the treatment,
11 and did you see any major mental health issues with
12 Mr. Hassett?

13 A Well, at one point, he reported the
14 medication was effective. There was less voices. He
15 was doing better. Later, he requested to come off
16 the medicine. He felt it wasn't doing much for him.
17 He was gaining weight on it. He didn't need it. So
18 we discontinued his medication, I believe, on
19 December 12 of 2000, and then he was observed by me
20 to see if he was having any relapse, and after that,
21 he was followed by mental health, who if he were
22 having a relapse would refer him back to the
23 physician again.

CHRISTINE L. QUINN
OFFICIAL COURT REPORTER

sup

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pg 16

Delaware Correctional Institution
Box 500, Georgetown, DE 19947
302-856-5563 or fax 302-856-9566

First Correctional Medical

Fax

To: *Jim Adkins, Attorney General's Office* From: Roberta Burns, MD
Fax: *302-856-5369* Pages: 26, including cover
Phone: Date:
Re: CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Enrolled: 4 refusals of psych med, 13 progress notes, 6 medication
administration records.
Progress notes: 5/14/00 - intake note by nurse
5/15/00 Note by mental health counselor Kenna Clark Brown (end N.C.)
5/16/00 Dr Weiss initial evaluation
Diagnosis: I. Poly substance abuse, alcohol abuse, dependence
Schizoaffective disorder
II ASPD = anti-social personality disorder
P: Continue in confinement

• **Confidentiality Notice:** The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended receipt, you are hereby notified that any disclosure, copying, distribution, or taking any action based on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify the sender to arrange for return of the original documents.

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PG 17



PROGRESS NOTES

Date/Time	Inmate's Name:	D.O.B.:
7/14/05	Hassett, Robert	1 / 1
1:30	Received from P.T. 9/m calm & compliant.	
5/14/05	Whitely Jpn	
7:00	S) C/O HA	
	O VS 110/88 979 70 16	
	A) Alteration in Comfort: Pain R/T HA	
	P) Tylenol offered.	Whitely Jpn
5/15/00	S: Seen by Mental Health for CPO	
	O: when temporal states he has hx of psych and meds but doesn't know what. Talked about abuse from father and his hx of drug use. states hasn't had anything.	
	A: Scared but calm. Serious feeling suicidal & homicidal. Also Capable to inform if feeling change.	
	P: Will see S. ideas for evaluation tomorrow. reassured CPO.	Clark Lauer
5-16-00	19410 WSO ⁷ labeled Charges murder 1st degree (Step Mom) by state by - out pt. car under more School. Sentenced 175 9 th grade speed for fighting. no appeal Ed clause. Legal by - fighting & grade X2. on probation for conspiracy to burglar. Let P. steal (hustler) & impound (allent) & report PTSD (+) hallucinations & delusions (promote) occur episodes of mood. manic (+) depression (+) (over)	

TIME	NOTES
00	S feel bad today, angry, still had high
21	O 16-9 challenges but
21	A can move bar
21	P review to get. We are
21	S nausea - m & help
21	O on Kugel & tested
21	A wheel on conveyor
21	P give an tested I RS Kugel & resolved
12/10	OSIS TEGRETOL AT LEVEL DRAWN THIS AM, 11/11/04
SCI	WELL. SPECIMEN TAKEN TO MAX MEDICAL FOR
12/10	PICK UP FROM BRIDGE. 52470997094 ~ M. Thomas, RN
12/10	S. nausea cont sleep Varies less
12/10	O on land
12/10	A DC panel
12/10	P resolved for nose & ✓ bloodwork on
12/10	S: Seen by Mental health for refusing meds.
12/10	10: Tim states that he doesn't like the way they make him feel.
12/10	A: Calm. Seems feeling suicidal/homicide risk Capacity to infer.
12/10	P: Had Tim write in his own words. Will No meds upon request. - Thomas

A-g

SUP

pg 19

CORRECTIONAL MEDICAL SERVICES

INTERDISCIPLINARY PROGRESS NOTES

Patient Name Hussell, Robert I.D. # 337863 Institution SCI

DATE	TIME	NOTES	SIGNATURE
12/15/01	12:00 PM	S. hyper. Over head. person side effect from med O. antiepileptic therapy brought back A. can DC all med- P. evaluate 1 med. When	
12/15/01	12:45 PM	S. no hyper. - person handleable O. stuff absent present speed A. stable P. continue medication for head. When	
12/15/01	8:45 PM	S. c/o insect bite. Bites now 48 hrs old. O. Red Area c small amount swelling on forehead. Pain full too touch. Also c/o H/A. T-87 PTK R/B BIP 110% at 12/15/01 O. After. in contact related to insect bite O. warm compress to A.A. Tylenol 2 tabs for pain Refers to MD.	
5-11-01	0500	Pld planted (P) FA. — 82u little, RV	
5-14-01	0515	Pld read (P) FA Dmm — 82u little, RV	
5-15-01	1255	S. Bug bite over nose near eyebrow on R side - occurred 5-8-01 O. Nois/s infection, area completely healed. No visual problems	

A-9

00 20

Law Offices

Thomas David Hunter Barnett

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Pager: (302)441-6567

January 17, 2001

David Sibley, M. D.
834 Walker Road
Dover, DE 19901

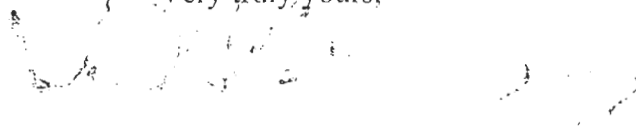
RE: Robert W. Hassett

Dear Dr. Sibley:

I have been appointed to represent the above individual in his murder trial. His mother has asked that I have him examined by you.

In order to do so I must know what your fee would be, as I must file a motion with Superior Court to have your fee approved by the court. I would appreciate it if you could contact me regarding this matter.

Very truly yours,



Thomas D. H. Barnett

cc: Robert W. Hassett
Deborah Angelini

Ex - A910

pg 21

SUPERIOR COURT
OF THE
STATE OF DELAWARE

RICHARD F. STOKES
JUDGE

P.O. Box 746
COURTHOUSE
GEORGETOWN, DE 19947

January 11, 2001


Thomas D.H. Barnett, Esquire
512 East Market Street
Georgetown, DE 19947

RE: State v. Robert W. Hassett
ID #0005011315

Dear Mr. Barnett:

Last week you inquired about the availability of funding for a possible consultation regarding your client's mental state. In order to pursue this - should this course still be of interest - you need to determine the cost and present an application. None of this will change the requirements of Rule 12.2 should that subject come into play.

Very truly yours,



Richard F. Stokes
Judge



RECEIVED
JAN 11 PM 2:37
SUSSEX CO.

RFS:mrs

cc: Prothonotary
James Adkins, Esquire

EX - A - 11

pg 22

WEISS - Cross

1 them knowing, is it possible that I could lie to them
2 during those evaluations?

3 A Well, if you think you are going to get some
4 gain out of saying -- I think I saw one place in the
5 notes you said the voices, the medicine was causing
6 the voices, which it's not likely unless there was
7 too much antidepressant or no antipsychotic medicine.
8 If the antisocial personality disorder diagnosed is
9 accurate, then your tendency to lie is -- there is
10 not much holding you back from doing that because you
11 don't have what they call a superego or conscious.
12 You lie frequently.

13 Q So it's very possible that could happen?

14 A That what could happen?

15 Q That I lie to them just so they didn't
16 bother me, or so I wouldn't be confined?

17 A It's possible that you were angry or
18 manipulative or inaccurate, but you expressed a
19 desire to come off the medicine. We acknowledged the
20 desire. We reevaluated you, and you didn't appear to
21 be in any acute distress that you immediately had to
22 go back on the medication.

23 Q Okay. These disorders they don't just come

WEISS - Cross

1 and go, do they?

2 A They are cycling so you can say they do come
3 and go because some people get manic every three
4 months. Some people get manic every three years. So
5 that's why we prefer people to stay on medicine so
6 when the condition does occur, that they have some
7 control over the extremes of the behaviors.

8 Q So then it's quite possible if I got off the
9 medication and I had another episode, manic episode,
10 voices, hallucinations, paranoia before my trial?

11 A Well, on several occasions during that time
12 period, you were evaluated by mental health, and they
13 didn't report that. So if it occurred, it's not
14 recorded in what I reviewed.

15 Q But I wasn't evaluated the month that my
16 trial was happening or the time right before my
17 trial?

18 A I don't recall the last date that mental
19 health evaluated you. It's in here.

20 Q So is it possible, all right, that I had a
21 manic breakdown or had a hallucination, auditorial,
22 so forth, the week before trial?

23 A If you were in the courtroom and you were

WEISS - Cross

1 A I understand you are not asking me about
2 what might have happened before I met you and
3 interviewed you, but since and afterwards is that
4 what you are asking.

5 Q No. What I'm saying is you diagnosed me as
6 schizoeffective, bipolar, antisocial disorder, few
7 other things, those diagnoses don't happen over
8 night, correct?

9 A Correct.

10 Q They happen over many years?

11 A Yes.

12 Q All right. Now, is it possible that the
13 defendant had these disorders before he came to
14 prison and before you saw him where you diagnosed him
15 with these disorders? Were these disorders -- is the
16 defendant capable of committing a crime out of
17 extreme emotional distraught or out of the delusional
18 act without being fully aware of his actions?

19 A It's most probable that there was part of
20 it. These conditions existing for quite some time
21 and during a lot of your different behaviors
22 appropriate or inappropriate, they could have had
23 effects to varying degrees but to what effect and

CHRISTINE L. QUINN
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WEISS - Cross

1 to --

2 Q Is it possible?

3 A There are several possibilities.

4 Q Mr. Weiss, I want yes or no?

5 THE COURT: Excuse me. He wants to explain.

6 He has an opportunity to explain.

7 THE WITNESS: You want to ask that

8 particular possible point of the question, again?

9 BY THE DEFENDANT:

10 Q Is it possible, okay, that the defendant
11 could commit an act or a crime with those disorders
12 and not be fully aware of it or not act underneath
13 the delusion that he is protecting himself or act out
14 of extreme emotional distraught?

15 A An act committed when somebody is manic that
16 they can't pay for when the episode passes. They
17 have to go back and see if they can return it or
18 what's going to happen. So manic behavior can effect
19 your behavior. Depending on the extent of your
20 delusion, it could effect your reaction to your
21 environment, and depression also has some effect, so
22 there are parts of the conditions.

23 While we are on it, I might also add that

WEISS - Cross

1 antisocial personality disorder involves lesser
2 degree of having a normal conscious of having empathy
3 towards others and that could also effect your
4 behaviors and that would be in a negative light. So
5 all of these things can have some effect on your
6 behaviors to some degree of which I cannot say from
7 this time and place what I have in front of me,
8 whether those things were ongoing or not, whether or
9 not you brought them up during your trial, or whether
10 or not they were discussed, or whether or not they
11 were explored I don't know.

12 But you may have had behaviors over the
13 years. For instance, if the diagnosis of antisocial
14 personality disorder is correct, then there is
15 certainly behaviors that would have been present at
16 least from the age of 15. So these conditions
17 probably did not occur within moments of your
18 incarceration. They probably were present, either
19 diagnosed or undiagnosed, for a while, and to what
20 degree they were effecting your behaviors, I don't
21 know.

22 There was some question here whether or not
23 you had any treatment before you came to the facility

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WEISS - Cross

1 in the notes, and when the nurses evaluation one part
2 seemed to infer that you had a history; another part
3 inferred that you didn't have a history. You would
4 know that better than I.

5 Q Now, you also put in there that the
6 defendant had substance abuse, drugs, alcohol, and so
7 forth. Given that with the information, could those
8 substances, marijuana, alcohol, cocaine, acid, could
9 those cause the delusions to go farther, or cause my
10 delusions or the auditory problems that I have
11 without the medication, which I am taking now, could
12 that cause it to go into effect to a higher level and
13 cause me to act in irrational ways?

14 A Cocaine, marijuana, and did you say acid
15 also?

16 Q Acid, LSD?

17 A They can have an effect on the above
18 mentioned conditions.

19 Q Yes or no, is it possible that they could
20 cause me to commit an act that I would never commit
21 under normal circumstances with my conditions?

22 A There have been cases of people taking angel
23 dust, going out on the street, getting a weapon, and

BARNETT - Cross

1 difference in the way of proceeding at trial?

2 A Not sure I understand your question.

3 Q I was off medications?

4 A Off medications.

5 Q Okay. Medications for schizophrenia,
6 bipolar, so forth, in your opinion, as an attorney,
7 so forth, do you think that could alter the way I
8 proceeded at trial being off medications?

9 A I think that question is asking me for a
10 medical diagnosis. I can't give you one.

11 Q Answer based on what you saw?

12 A Based upon what I saw of you, I saw no
13 difference in you.

14 Q You saw no difference. But like you said,
15 you are not a Ph.D. or psychiatrist?

16 A No.

17 Q So you really wouldn't know?

18 A I am not saying what I know. I know what I
19 see.

20 Q Now, we have a letter that you sent
21 Dr. Sibley about an evaluation, correct?

22 A Right.

23 Q So at that point, you must have recognized

BARNETT - Cross

1 the fact that the defendant told you he was mentally
2 ill and you were researching this idea, correct?

3 A I sent that at the behest of your mother.
4 Your mother wanted it investigated. I sent the
5 letter. I looked into it. We then, as I recall,
6 discussed your defense, and you were not willing to
7 say you stabbed Sherri Hassett. At that point, I
8 said well no mental defense. You have to admit that
9 you did it in order to raise that defense, and you
10 said I am not going to do it.

11 Q Okay.

12 A And that was the end of it.

13 Q Even though the evidence said that he didn't
14 commit the crime with the information that, you know,
15 the defendant is telling you, that he has mental
16 problems, and the letter from his mother and the
17 letter from his aunt, June Bramble, wouldn't it be
18 safe for your benefit to know that the defendant can
19 stand trial or even assist? Wouldn't it be safe to
20 have him evaluated by a psychiatrist?

21 A Would it be safe? I presume had I gone
22 through that evaluation we wouldn't be here today.
23 It might have been better had I done it. But that

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BARNETT - Cross

1 doesn't alter my opinion that I didn't believe at the
2 time that you had any mental problems based upon my
3 observation of you.

4 Q But you don't have a Ph.D. so you don't
5 know?

6 A No.

7 Q You were given information, correct, of this
8 and you failed to investigate it, correct?

9 A I didn't investigate it beyond the inquiry,
10 yeah.

11 Q So you don't have no recollection of the
12 defendant's, like, actual history or case since the
13 trial either, right?

14 A Again, I don't understand the question.

15 Q You don't know anything dealing with the
16 defendant's case or his mental health since the trial
17 ended? After your direct appeal, of course, you
18 stopped filing up on the case, correct?

19 A Other than what I have had to do in the Rule
20 61, I have had no contact with your case, no.

21 Q So you didn't know that the defendant is now
22 on medication now, and without medication that I
23 wouldn't be able to stand up here today and hold an

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WEISS - Cross

1 from psychiatrist at times, can't they?

2 A Well, if you are able to carry on a
3 conversation, even in the period of 15 to 45 minutes,
4 in an interview with a psychiatrist and there is no
5 added input from someone else, who is reporting what
6 took place in the last several hours or days, you can
7 be seen to be stable.

8 But if you were having slurred speech,
9 grandiosity, flight of idea, reporting that you
10 didn't need any sleep, you had high energy, one would
11 expect you had a manic episode. If you are reporting
12 difficulty sleeping, poor self-esteem, difficulty
13 with energy, crying spells, can't concentrate, one
14 would feel that there is depressive symptoms going
15 on, and if you were stealing things or hearing things
16 or paranoid or delusional, one would feel that there
17 is a psychotic process going on.

18 So other than that you had heard some voices
19 initially, when you started on the medicine the
20 voices had subsided and they didn't appear later in
21 the notes to be a major problem. There were no
22 blatantly psychotic symptoms during the time that you
23 treated with me, and then the other times after I

WEISS - Cross

1 being, I guess, you say friendly towards others or
2 having communications out of the paranoia, out of the
3 delusion, out of the voices saying whatever they were
4 saying to me at that time?

5 A Well, you didn't report what the voices said
6 or didn't say to you and whether or not you were
7 depressed, but you were stopped -- you stopped on
8 December 12th from antimanic medicine, antipsychotic
9 medication, which would stop voices, and from
10 antidepressant. You were asked to come back and
11 check to see if you were okay without medicines and
12 didn't display any need to be immediately put back on
13 those medications. And then you were seen by mental
14 health over several times, and they didn't report you
15 to be so gravely depressed that you were suicidal or
16 homicidal. So at least from the documentation that
17 is here, there is no report of any extreme behavior
18 or mood changes.

19 Q Is it possible through the paranoia that the
20 defendant could lie to them?

21 A That who could lie to whom?

22 Q Is it possible through my disorders being --
23 I didn't want somebody to know or I was afraid of

1 THE COURT: All right. We're at sidebar.
2 The question we have is, "Under Count 1, murder in
3 the first degree, Element 2, does the defendant,
4 Willy, have to have the intention of killing
5 specifically Sherri Hassett or the intention to kill
6 anyone/someone?"

7 Now, as the jury was instructed in No. 2,
8 the defendant acted intentionally. That is, it must
9 have been the defendant's conscious object or
10 purpose to cause the death of another person, in
11 this case, Sherri L. Hassett. Premeditation or
12 deliberation are not required.

13 That instruction follows the commentary to
14 Criminal Code at Page 194. It was referenced
15 yesterday, 1973. The sole question is whether it
16 was the defendant's conscious object to kill this
17 victim. So I think the answer is Sherri L. Hassett
18 was --

19 MR. ADKINS: Could you just read them that
20 instruction again?

21 MR. BARNETT: The instruction is perfectly
22 clear. I don't see how they could have any question
23 about that, as far as understanding the instruction.

ROBINETTE - Cross

1 going to be going out of town."

2 Q How much money did you give him?

3 A I don't recall offhand. It was either
4 twenty-five or fifty dollars cash.

5 Q And, Mr. Robinette, you made a statement to
6 the police about this?

7 A Yes. When I heard, I went to work the next
8 day and -- or that was Saturday. That Monday I went
9 to work, and I asked if Willie was there because I
10 wanted to get some other work done and everything,
11 see if he was going to finish up what he had started,
12 and I heard what happened, and it kind of floored me,
13 actually shocked me.

14 MR. COSGROVE: If I may have a moment, Your
15 Honor.,

16 I have no further questions of this witness,
17 Your Honor. Thank you, Mr. Robinette.

18 CROSS-EXAMINATION

19 BY MR. BARNETT:

20 Q Good morning, Mr. Robinette. My name is
21 Mr. Tom Barnett. I am representing Mr. Hassett. The
22 crime to which you pled guilty; is that a felony?

23 A Yes, sir.

ANGELINI - Direct

1 Q It is a felony involving dishonesty; is it
2 not?

3 A Yes, it is.

4 MR. BARNETT: I have no other questions.

5 MR. COSGROVE: Your Honor, I would ask that
6 Mr. Robinette be excused.

7 THE COURT: Mr. Barnett?

8 MR. BARNETT: I agree.

9 THE COURT: You are excused.

10 (Witness steps down.)

11 MR. ADKINS: The State calls Deborah
12 Angelini.

13 Whereupon,

↓ 14 DEBORAH ANGELINI

15 was called as a witness by and on behalf of the State
16 of Delaware and, having been first duly sworn, was
17 examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. ADKINS:

20 Q Good morning, Ms. Angelini.

21 A Good morning.

22 Q Ms. Angelini, I noticed you brought some
23 papers --

JASON COGGIN - CROSS

1 came?

2 ~~A. Sat there and chilled and got high.~~

3 Q. Chilled. Did you smoke some more?

4 A. Yeah.

5 Q. Did you drink?

6 A. No, not yet. Not right then, no.

7 Q. Not then. What did you do after Kate got
8 there?

9 A. Took her four wheeling.

10 Q. You say you took her four wheeler. What do
11 you mean?

12 A. We borrowed the four wheeler.

13 Q. Took it where, did you go somewhere on it?

14 A. We went down Airport Road, some dude's house.
15 I don't even know him. I don't know his name. We got
16 off. He was talking to the dude, got some type of
17 part for a go cart. Then I was sitting on the four
18 wheeler. We came back. We went to the Cock & Bull
19 and got some beer for me, him, and Kate. Then we went
20 back to his house.

21 Q. So you went back to Willie's then?

22 A. Yeah.

23 Q. Do you have any idea what time that would

ANGELINI - Cross

1 any, were you seeing?

2 A Also a psychiatrist.

3 Q Also a psychiatrist?

4 A (Witness nodding head in the affirmative.)

5 Q Why were you seeing a psychiatrist then, for
6 the same things or different disorders?

7 A I had a nervous breakdown.

8 Q When did you have that nervous breakdown?

9 A Eighty-nine.

10 Q And have you been continually under the care
11 of a psychiatrist since 1989?

12 A Yes, sir.

13 Q When you had your nervous breakdown in 1989,
14 what happened?

15 A I almost became a vegetable. Excuse me. I
16 had a nervous breakdown because I had lost my son
17 three years prior, and I went through a lot of
18 trauma, and I finally lost it, and I was in such bad
19 shape that they had to put me in a hospital.

20 Q So you were hospitalized?

21 A (Witness nodding head in the affirmative.)

22 Q And how long did that hospitalization last,
23 if you know?

D-90

ANGELINI - Cross

1 A About three months.

2 Q Three months. And was that when you began
3 seeing your first psychiatrist you were diagnosed?

4 A Yes, sir.

5 Q So from approximately 1989 until about 1994,
6 you were under the care of your first psychiatrist;
7 is that correct?

8 A Yes, sir.

9 Q Have your disorders and symptoms remained
10 pretty much the same in that ten year period?

11 A Yes, sir.

12 Q So about 1994, you began seeing your current
13 psychiatrist, and who is that?

14 A Yes. Dr. Borer.

15 Q Dr. Borer?

16 A Dr. Borer.

17 Q Is that Dr. Mark Borer in Dover?

18 A Yes, sir.

19 Q Is Dr. Borer's diagnosis basically the
20 Bipolar diagnosis?

21 A No.

22 Q What is his diagnosis?

23 A ADHD.

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89 34 20

ANGELINI - Cross

1 MR. ADKINS: Your Honor, may we approach?

2 (Whereupon, counsel approached the bench and
3 the following proceedings were had:)

4 MR. ADKINS: I've really been trying to give
5 as much leeway as possible in terms of not objecting,
6 but if we are going to go into specific doctors,
7 specific diagnoses and what that means, I think they
8 should have the psychiatrist here if they want to
9 impeach her credibility that way. I think this is
10 hearsay of the worse kind. It's hearsay concerning
11 expert witness testimony.

12 MR. BARNETT: She knows what her disorder
13 is, and she can testify to that. I'm not asking what
14 the doctor told her.

15 THE COURT: Well, you were asking what the
16 diagnosis was from the doctor, and you are getting
17 into things that the doctor should testify about.

18 MR. BARNETT: I'll rephrase then.

19 THE COURT: You can ask her what her
20 understanding is. Nothing more than that.

21 MR. BARNETT: I was being artful in asking
22 the question, but I think I have a right to inquire
23 because of her direct testimony. I will refrain

D-92

ANGELINI - Cross

1 asking what the doctors have told her, but I will ask
2 her understanding of it.

3 THE COURT: I think it should focus on what
4 her mental state was when she gave the statement.

5 MR. BARNETT: That's what I'm trying to lead
6 to, Your Honor.

7 THE COURT: She can have a problem in 1989.
8 You can be under control, so to speak as best one can
9 be, May 14th 2000 or --

10 MR. BARNETT: A couple more questions.

11 THE COURT: All right.

12 (Whereupon, counsel returned to the trial
13 table and the following proceedings were had:)

14 MR. BARNETT: For the record, I will
15 withdraw the last question.

16 BY MR. BARNETT:

17 Q What is your understanding of your disorder
18 as it applied in May of the year 2000? What were you
19 being treated for?

20 A All three of my disorders?

21 Q What were they?

22 A ADHD, attention deficit disorder.

23 Q Attention deficit --

D-93

ANGELINI - Cross

1 A Wait a minute. Attention Deficit Higher

2 Disorder, Bipolar, and depression I think.

3 Q And depression?

4 A Yeah.

5 Q May of 2000, that's what you were being
6 treated for?

7 A Yes, sir.

8 Q And that's what you were being treated for
9 on the day that you gave your statement to the State
10 Police; is that correct?

11 A Yes, sir.

12 Q What is your recollection of those
13 statements today?

14 A I remember bits and pieces of them. I
15 remember a lot of stuff that is like mixed-up, but I
16 remember stuff.

17 Q Were you at all confused on the day you gave
18 those statements?

19 A Some.

20 Q Do you believe that the medications you were
21 taking on the day of your statements affected what
22 you may have said or may have been able to remember?

23 A Yes.

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ANGELINI - Cross

1 MR. ADKINS: Your Honor, I ask that response
2 be stricken in that is medical opinion.

3 MR. BARNETT: I don't know that is a
4 medical --

5 THE COURT: Let's move on. I'm going to
6 overrule it. Move onto something else, Mr. Barnett.

7 MR. BARNETT: Your Honor, I have nothing
8 else to question.

9 THE COURT: Are you done?

10 MR. BARNETT: If the Court is restricting
11 me, I have no further questions other than that line
12 of questioning, Your Honor.

13 THE COURT: Thank you.

14 MR. ADKINS: I have no further questions,
15 Your Honor. I ask that she be excused for the day.

16 THE COURT: Still subject to recall?

17 MR. ADKINS: You know it's hard for me to
18 say that she would not be subject.

19 THE COURT: You may step down for the
20 present purposes. You are not to talk about your
21 testimony with anyone. You may go home today, but
22 you are subject to being recalled as a witness.

23 (Witness steps down.)

19-20

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Psychiatric Access

...for Central Delaware, P.A.

Mark S. Borer, M.D.
ABPN & AACAP Board Certified
Family Psychiatry

Carol S. Bugglin, Ph.D.
Licensed Clinical Psychologist
Psychotherapy & Assessment

March 28, 2003

NAME:	Deborah "Debbie" Angelini
DATE OF BIRTH:	4/11/64
DATE OF INITIAL PSYCHIATRIC EVALUATION:	10/8/98, by Dr. Borer @ Catholic Social Services
DATE OF LAST IN-PERSON MEDICATION VISIT:	9/23/02, patient has followed with a different psychiatrist since her insurance changed.

Additional source of information available for clinical information: therapy records at Catholic Social Services.

I have been asked by Deborah Angelini to provide a summary of her concerns and mental status around the time of her son's arrest in 2000, and around the time of his sentencing in August 2001.

I was initially consulted October 8, 1998, by Ms. Angelini for psychiatric support and medication intervention related to features of Generalized Anxiety Disorder, Cyclical Depression, post-traumatic flashbacks related to intimidation and abuse she suffered as a child and in her marriage, Attention Deficit/Hyperactivity Disorder, and Mixed Specific Developmental Disorders in Spelling, Reading, and Writing. At that time, I recommended support through Vocational Rehabilitation for remediation and accommodations related to her learning disabilities. I recommended therapy to process past abused and support her current relationships. I also documented, in my October 1998 report, giving her ideas for follow up to help her son, who was apparently experiencing anxiety and depression of his own.

At the time of my initial intake, she reported low esteem issues related to her learning disabilities as a child and as an adult, as well as her experience of a rape as a young teen by someone outside of the family. She stated at that time that she experienced early marriage and pregnancy by her husband, who was physically and emotionally abusive of her, and she reports that she experienced the brunt of his "sadistic" behaviors toward her. She states that she had to witness her son being raised in the home of this man, and that her son had attentional and learning difficulties as well, but was also developing substance abuse like his father. She, thus, saw her son in the process of inability to live up to role expectations and this was a great source of trauma and grief to her, leading her in the early '90s to hospitalization and treatment for at least a mood disorder. She experienced further trauma by having to go through a hysterectomy at a young age because of infection by her unfaithful husband, and reports that upset hormonal cycles led to aggravation of her mood disorder.

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